

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIAS TORRES,

Plaintiff,

v.

R. KIRLKAND, et al.,

Defendants.

No. C 06-4192 MMC (PR)

**ORDER GRANTING EXTENSION OF
TIME TO FILE OPPOSITION TO
MOTION TO DISMISS; SCHEDULING
OPPOSITION AND REPLY**

(Docket No. 32)

On July 7, 2006, plaintiff, a California prisoner incarcerated at Pelican Bay State Prison ("PBSP") and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983. On December 22, 2006, the Court found the complaint stated a cognizable claim for the violation of plaintiff's constitutional rights in connection with his indefinite retention in the Secured Housing Unit ("SHU") at PBSP. As plaintiff had only used "John Doe" to identify the defendants, however, plaintiff was granted leave to file an amended complaint with the names of the defendants he alleges violated his rights. On February 20, 2007, plaintiff filed an amended complaint in which he named seven PBSP officials alleged to be responsible for placing him in the SHU indefinitely; on May 10, 2007, the Court ordered the complaint served on the named defendants and ordered defendants to file a motion for summary judgment or other dispositive motion with respect to plaintiff's cognizable claims. Additionally, the Court ordered plaintiff to file an opposition to defendants' dispositive motion within thirty days of the date defendants filed said motion.

On September 4, 2007, defendants filed a motion to dismiss the complaint pursuant to


1 Rule 12(b) of the Federal Rules of Civil Procedure, on the ground plaintiff has failed to
2 exhaust his administrative remedies. Now before the Court is plaintiff's motion for an
3 extension of time in which to file his opposition to the motion to dismiss.

4 Good cause appearing, plaintiff's request is hereby GRANTED. Within **thirty** days
5 of the date this order is filed plaintiff shall file an opposition to defendants' motion to
6 dismiss. Defendants shall file a reply to the opposition within **fifteen (15)** days of the date
7 the reply is filed. The motion will be deemed submitted as of the date the reply brief is due.
8 No hearing will be held on the motion unless the Court so orders at a later date.

9 This order terminates Docket No. 32.

10 IT IS SO ORDERED.

11 DATED: May 9, 2008

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13 MAXINE M. CHESNEY
14 United States District Judge
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